

Impeachment Punishes the Country, Not the President

U.S. Rep. Maurice Hinchey (D-NY)

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A vote for impeachment is not a vote to disapprove of the President's conduct. It is a vote to recommend his removal from office. It is a vote to direct the Senate to conduct a trial, a trial that would occupy the full attention of the Senate, the Chief Justice and the President for several months. Impeachment is a grave matter with grave consequences, even if the President is not ultimately removed from office. I see no good reason to take such a step in this case, and will vote against impeachment.

The Constitution gives the House very little direction about grounds for impeachment: "Treason, Bribery or other High Crimes and Misdemeanors." No one claims that the President is guilty of treason or bribery. Both of those crimes clearly undermine the fabric of our government, and represent specific betrayals of the President's official duties. It seems fair to assume that the "other high crimes" the Constitution refers to would involve similar betrayals of the office itself. Barbara Jordan may have given the best short definition of an impeachable offense during the 1974 impeachment hearings when she said she would not tolerate "the diminution, the subversion, the destruction of the Constitution."

President Clinton stands accused of something well short of that standard. He is accused of lying about his private behavior, and trying to cover up a tawdry affair. By now, I think most Americans have concluded that the President lied about the affair, and that the affair itself was foolish and ugly. But I also think most Americans—including ardent supporters of impeachment—do not believe that his actions subverted the Constitution. They may have disappointed and shocked us, but they did not undermine our system of government.

Does this mean his offenses were trivial, that we should simply forget about them? Of course not. If he deliberately lied in court, that was wrong. No one has said that the President should have the right to lie under oath. But if his offense is not a crime against his office, it should not be grounds for impeachment. Rather, it should be grounds to treat him like any other person similarly accused.

However, the President has not been treated like any other person. Last week, the Judiciary Committee heard testimony from a panel of former prosecutors

on how the Justice Department ordinarily handles allegations of perjury. Without exception, they testified that perjury is rarely prosecuted in criminal cases, that it is even more rarely prosecuted in civil cases, and is virtually never prosecuted in cases involving private sexual conduct. In the words of one prosecutor: “If the President is not above the law, as he should not be, is he to be treated [as though he were] below the law?” I do not believe he should be.

In the last few days, some of my House colleagues have raised a new argument against the President. They say they would be more sympathetic to him if only he would incriminate himself, and say that he lied. Meanwhile, their friends on the Judiciary Committee insist that lying is the very crime that requires impeachment. So he has been caught in a vise: if he says he lied, he must be impeached because he is a criminal. But if he does not say that, he must be impeached, because he is not sufficiently contrite. Interestingly, every person on both sides of these “jaws of justice” is a political opponent of the President. As the song goes, “Anyway you look at it, you lose.”

Impeachment does not punish the President. He has been punished, and will continue to be punished. Impeachment punishes the country. It robs us of the time and attention we should be devoting to other matters. It subverts the official duties of the President in ways his deception and misbehavior never did. It forces us to endure a trauma that serves no practical purpose. It opens the possibility that the country will again be forced to endure similar suspensions of the nation’s business again and again, if future Presidents face impeachment for any charge a hostile prosecutor or a Congressional majority can find. Let us reserve impeachment for “high crimes” that betray the American people and our system of democracy. The charges against the President do not meet that standard. Let us move on with the nation’s business.

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Submitted by U.S. Rep. Maurice Hinchey (NY-26)